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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,647	09/24/2001	Jean-Jacques Claisse	CLAISSE=2	6513

7590 12/08/2006

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EXAMINER
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NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/960,647	<b>Applicant(s)</b> CLAISSE ET AL.	
	<b>Examiner</b> Patricia L. Nordmeyer	<b>Art Unit</b> 1772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30,31,33,34,36,37,39,40,42-45 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30,31,33,34,36,37,39,40,42-45 and 47-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Repeated Rejections*

1. The 35 U.S.C. 103 rejection of claims 30, 31, 33, 34, 36, 37, 39, 40, 42 – 45, 47 and 48 over Deimen et al. (USPN 5,971,509) in view of Giles et al. (USPN 5,207,037) in the office action dated June 6, 2005 is repeated for the reasons of record as the arguments presented by the Applicant in the response dated May 10, 2006 are unpersuasive. The rejection is repeated below for the Applicant's convenience.

Deimen et al. disclose a plastics material section as an electrical wiring trunk (Column 2, lines 14 – 16) made of a thermoplastics material (Column 8, lines 65 – 68) having a U-shaped cross section that comprises a wall with two longitudinal edges and two flanges extending transversely to said wall where each are joined to a respective longitudinal edge (Column 10, lines 1 – 5). The section has a longitudinal of mechanically weakened areas forming holes delimited by a contour of closed periphery formed by through openings (Column 9, lines 35 – 40; Figure 2, #120) along with a cover and a base portion (Figure 14). The weakened are has an oblong section, rectangular, (Figure 2, #120). However, Deimen et al. fail to disclose at least some of the hole precursors are adapted to receive a fixation screw, the hole precursor being a blind hole whose bottom is constituted by a continuous web and a through-hole surrounded by a continuous annular web, a closed contour formed by a succession of blind openings or a groove along the periphery of the hole.

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Giles et al. teach a raceway to hold electrical and computer wiring at the bottom of a panel made comprising a cover and a base portion made from plastic (Figure VI, #70 and Column 5, lines 33 – 55), wherein the raceway contains perforated, through openings on the periphery of the hole, knockouts flanges for bolts (Column 2, lines 33 – 43) for the purpose of arranging the panels to be level on the surface of the floor while being able to hide the wiring for both electrical and computer purposes.

Therefore, one of ordinary skill in the art would have recognized that perforated openings are well known in the art to use in electrical raceway systems in order to attach different elements securely into the raceway structure as shown by Giles et al.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided an electrical wiring trunking made with a cover and base with hole precursors holding fixation screws in Deimen et al. in order to arrange the panels to be level on the surface of the floor while being able to hide the wiring for both electrical and computer purposes as taught by Giles et al.

Regarding the limitations of claims 30, 33, 36, 39, 44 and 47, one of ordinary skill in the art would have recognized that the hole precursors having a blind hole whose bottom is constituted by a continuous web, a through-hole surrounded by a continuous annular web, a closed contour formed by a succession of blind openings or a groove along the periphery of the hole and a closed contour formed by a succession of through-openings located along the

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periphery of the hole of the claimed plastics material section are obvious variations on the type of holes that are used in the field of electrical raceways to attach screws and different electrical components as shown by the use of two different holes in Deimen et al. and Giles et al.

Therefore, one of ordinary skill in the art would readily determine the optimum type of hole precursor to use depending on the end desired result in the absence of unexpected results.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deimen et al. (USPN 5,971,509) in view of Giles et al. (USPN 5,207,037).

Deimen et al. disclose a plastics material section as an electrical wiring trunk (Column 2, lines 14 – 16) made of a thermoplastics material (Column 8, lines 65 – 68) having a U-shaped cross section that comprises a wall with two longitudinal edges and two flanges extending transversely to said wall where each are joined to a respective longitudinal edge (Column 10, lines 1 – 5). The section has a longitudinal of mechanically weakened areas forming holes delimited by a contour of closed periphery formed by through openings (Column 9, lines 35 – 40; Figure 2, #120) along with a cover and a base portion (Figure 14). The weakened are has an oblong section, rectangular, (Figure 2, #120). However, Deimen et al. fail to disclose at least

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some of the hole precursors are adapted to receive a fixation screw, the hole precursor being a blind hole whose bottom is constituted by a continuous web and a through-hole surrounded by a continuous annular web, a closed contour formed by a succession of blind openings or a groove along the periphery of the hole.

Giles et al. teach a raceway to hold electrical and computer wiring at the bottom of a panel made comprising a cover and a base portion made from plastic (Figure VI, #70 and Column 5, lines 33 – 55), wherein the raceway contains perforated, through openings on the periphery of the hole, knockouts flanges for bolts (Column 2, lines 33 – 43) for the purpose of arranging the panels to be level on the surface of the floor while being able to hide the wiring for both electrical and computer purposes.

Therefore, one of ordinary skill in the art would have recognized that perforated openings are well known in the art to use in electrical raceway systems in order to attach different elements securely into the raceway structure as shown by Giles et al.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided an electrical wiring trunking made with a cover and base with hole precursors holding fixation screws in Deimen et al. in order to arrange the panels to be level on the surface of the floor while being able to hide the wiring for both electrical and computer purposes as taught by Giles et al.

Regarding the limitations of claim 49, one of ordinary skill in the art would have recognized that the hole precursors having a blind hole whose bottom is constituted by a continuous web, a through-hole surrounded by a continuous annular web, a closed contour formed by a succession of blind openings or a groove along the periphery of the hole and a closed contour formed by a succession of through-openings located along the periphery of the hole of the claimed plastics material section are obvious variations on the type of holes that are used in the field of electrical raceways to attach screws and different electrical components as shown by the use of two different holes in Deimen et al. and Giles et al. Therefore, one of ordinary skill in the art would readily determine the optimum type of hole precursor to use depending on the end desired result in the absence of unexpected results.

#### ***Response to Arguments***

4. Applicant's arguments filed May 10, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that Deimen et al. fail to disclose precursors having any of the forms defined in the claims, Deimen et al. disclose that the section has a longitudinal of mechanically weakened areas forming holes delimited by a contour of closed periphery formed by through openings (Column 9, lines 35 – 40; Figure 2, #120) along with a cover and a base portion (Figure 14). The weakened are has an oblong section, rectangular, (Figure 2, #120). The specific precursors listed in the claims are obvious variations on the type of holes that are used in the field of electrical raceways to attach screws and different electrical components as

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shown by the use of two different holes in Deimen et al. and Giles et al. Therefore, one of ordinary skill in the art would readily determine the optimum type of hole precursor to use depending on the end desired result in the absence of unexpected results.

In response to Applicant's arguments that the prior art relied upon to support the rejection does not include a section having a U-shaped cross section and containing a succession of mechanically weakened areas, Deimen et al. disclose a plastics material section as an electrical wiring trunk (Column 2, lines 14 – 16) made of a thermoplastics material (Column 8, lines 65 – 68) having a U-shaped cross section that comprises a wall with two longitudinal edges and two flanges extending transversely to said wall where each are joined to a respective longitudinal edge (Column 10, lines 1 – 5). Deimen et al. disclose multiple different shapes of embodiments in the figures. Figure 2 shows a u-shaped structure with punch outs in the surface (Figure 2, #120) that includes an added attachment to hold wires as shown in Figure 12.

In response to Applicant's argument that Deimen et al. fail to teach or suggest an electrical wiring trunk with a base and a cover, the base having a U-shaped cross section with mechanically weakened areas forming holes, Deimen et al. disclose a plastics material section as an electrical wiring trunk (Column 2, lines 14 – 16) made of a thermoplastics material (Column 8, lines 65 – 68) having a U-shaped cross section that comprises a wall with two longitudinal edges and two flanges extending transversely to said wall where each are joined to a respective longitudinal edge (Column 10, lines 1 – 5). Deimen et al. disclose multiple different shapes of

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embodiments in the figures. Figure 2 shows a u-shaped structure with punch outs in the surface (Figure 2, #120) that includes an added attachment to hold wires as shown in Figure 12.

In response to Applicant's argument that there is absolutely no disclosure anywhere in the Giles et al. reference of the creation of hole precursors, Giles et al. clearly states that the material of may be cut or perforated to form seats for either electrical outlet or if employed as a baseboard, for nut and bolt levelers (Column 2, lines 34 – 38), which is performing an equivalent function of a fixation screw.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

  
pln

  
NASSER AHMAD  
PRIMARY EXAMINER 12/1/06